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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,296	09/24/2004	Stephane Petit	33901-208PUS	3702
7590 Thomas Langer, Esq. Cohen, Pontani, Lieberman & Pavane LLP Suite 1210 551 Fifth Avenue New York, NY 10176			EXAMINER VIZVARY, GERALD C	
			ART UNIT 3696	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/509,296

**Applicant(s)**

PETIT ET AL.

**Examiner**

GERALD C. VIZVARY

**Art Unit**

3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

In the amendment filed 10/11/2007, the following has occurred: claims 1-15 have been amended. Now, claims 1-15 are presented for examination.

### ***Oath/Declaration***

1. A copy of the declaration in English is currently available in the documentation provided. Therefore the Examiner withdraws the objection.

### ***Information Disclosure Statement***

2. A copy of WO 00/75749 is not currently included in the Foreign Patent Documents submitted by Applicant. Hence WO 00/75749 was not considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis US 5,426,281 in view of Gross US 2002/0073233 A1.

As per claim 1 (Currently Amended), Abecassis US 5,426,281 discloses a method for

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secure credit card transactions between a holder and a merchant, particularly via a telecommunication network, by entering in an order form supplied by the merchant, during ~~the a~~ payment phase of ~~the a~~ transaction, ("In view of the foregoing shortcomings of the prior art, it is evident that there exists a need for a method and apparatus that provides a Transaction Protection System ("System") that permits a non-related third party to offer an impartial, readily accessible, easily implemented, inexpensive and standardized service that will uniformly and universally protect and encompass any monies (deposit) that are tendered by an individual or business entity (i.e. buyer) to a second individual or business entity (i.e. seller) for the delivery at a future time of goods, services, and or performance by either party to the other." Abecassis US 5,426,281 col. 3, lines 3-14) temporary information consistent with ~~the real~~ bank information from the credit card of the holder, ~~this~~ the temporary information ~~then~~ being collected by an authorization center for the transaction ~~in order to make~~ to create a relational connection with the real bank information from the credit card of the holder for ~~the~~ acknowledgement of the order by the holder for the benefit of the merchant, ~~characterized in that it comprises the steps which~~ the method comprising the steps of ("It is also an object of the invention to provide for a transaction system where credit/debit services can be directly or indirectly associated with the system along with a banking account and also with a brokerage account" Abecassis US 5,426,281 col. 3, lines 38-42):

[[ -]] signifying, from the holder ~~signifies~~ to a third party, an his intention of the holder to enter into contact with the merchant to place an order, before entering into contact with

the merchant over the telecommunication network ("Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow that is under the control of an unrelated third party to which the depositing party has effective access; at the time of a purchase transaction, the other party (i.e. seller) elicits information from the system to determine that the purchaser has a valid account, and then verifies that the account has sufficient money to cover the purchase." Abecassis US 5,426,281 col. 3, line 64-col. 4, line 5);

~~[[ - ]] the holder enters into contact with the merchant through the third party [[ : ]]~~

; and

~~[[ - ]] managing, at the third party, manages the formation of the temporary information, the entry of this the temporary information in the order form and the relational connection of the temporary information with the real bank information from the credit card of the holder to check the various authorizations with the banks for the acknowledgement of the order ("The transaction processing system acts as a temporary depository control in the flow of the moneys from parties in a transaction ensuring that sufficient balances are available for the transaction and assuring that payment is made only upon satisfaction of the conditions set by the parties to the transaction." Abecassis US 5,426,281 abstract).~~

Abecassis US 5,426,281 fails to explicitly teach ~~[[ - ]] simultaneously establishing, at the third party, establishes a link between itself the third party and the holder and between the third party itself and the merchant over the telecommunication network in response~~

to the signified intention of the holder to place the order, such that the holder is placed into contact with the merchant through the third party over the telecommunication network, the third party having total control over information transfer between the holder and the merchant

Gross US 2002/0073233 A1 teaches "Address translation software used to implement the client-based solution can be downloaded via the webpage. Embedded on the webpage is a downloadable address translation program, for example, a Java applet or ActiveX control, which may be digitally signed to ensure its authenticity and provide some measure of assurance that the author certifies that the address translation program is safe to run and that it has not been altered. Upon viewing the webpage using a client-based browser, the user may be asked by their web browser whether the embedded address translation program should be permitted to run, assuming the browser verifies that the digital signature is valid and that the contents have not been altered since the content was digitally signed." Gross US 2002/0073233 A1 ¶ [0040])

As per claim 2 (Currently Amended), Abecassis US 5,426,281 further discloses a method as claimed in claim 1, ~~characterized in that~~ wherein the third party modifies the Internet addresses of ~~the a~~ site of the merchant to constrain ~~the a~~ browser of the holder to systematically transmit to the third party all ~~it all the~~ information sent from the holder to the merchant. ("At step 50, the equipment shown in FIG. 1A is initialized using conventional booting software and/or, firmware. At step 201, the details of the transaction, which will be described in further detail with reference to FIG. 3, are

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provided. Systems capable of processing a deposit transaction, for example, will share common modifications specific to the deposit transaction." Abecassis US 5,426,281 col. 6, lines 63-68)

As per claim 3 (Currently Amended), Abecassis US 5,426,281 further discloses a method as claimed in claim 1, ~~characterized in that~~ wherein the third party modifies the Internet addresses of ~~the~~ a site of the merchant to constrain ~~the~~ a server of the merchant to systematically transmit to the third party all ~~it all the~~ information sent from the merchant to the holder. ("At step 50, the equipment shown in FIG. 1A is initialized using conventional booting software and/or, firmware. At step 201, the details of the transaction, which will be described in further detail with reference to FIG. 3, are provided. Systems capable of processing a deposit transaction, for example, will share common modifications specific to the deposit transaction." Abecassis US 5,426,281 col. 6, line 63-col. 7, line 1)

As per claim 4 (Currently Amended), Abecassis US 5,426,281 further discloses a method as claimed in claim 1, ~~characterized in that~~ wherein, if the holder has previously registered with the third party, ~~he~~ the holder may choose not to indicate the real bank information ~~concerning him in the~~ a reserved domain of the order form of the transaction, and ~~consequently~~ not to complete said domain other than by an identifier with the third party, a ~~the~~ portion requiring the real bank information being completed by the third party with temporary and coherent information, only this temporary information

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being sent to the merchant. ("If approval is achieved, then the card verification and limit verification system 41 assigns an approval number for a debit transaction 412, and a deposit number for each deposit transaction 413. The transaction information is then stored at step 414 in an appropriate memory contained in the computer system of center 40. Retention of the transaction may be optional." Abecassis US 5,426,281 col. 9, lines 5-11)

As per claim 5 (Currently Amended), Abecassis US 5,426,281 further discloses a method as claimed in claim 1, ~~characterized in that~~ further comprising: triggering a procedure ~~of verifying to verify~~ the intention of the holder to carry out the transaction ~~is triggered~~. ("Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow that is under the control of an unrelated third party to which the depositing party has effective access; at the time of a purchase transaction, the other party (i.e. seller) elicits information from the system to determine that the purchaser has a valid account, and then verifies that the account has sufficient money to cover the purchase.." Abecassis US 5,426,281 col. 3, line 64-col. 4, line 9)

As per claim 6 (Currently Amended), Abecassis US 5,426,281 further discloses a method as claimed in claim 1, ~~characterized in that~~ wherein, if the holder has not registered with the third party, ~~he~~ the holder enters the real bank information from his



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credit card in the order form supplied by the merchant via the third party, the third party ~~then~~ managing ~~the~~ completion of the order form which will be sent to the merchant with temporary information. ("It is also an object of the invention to provide for a transaction system where credit/debit services can be directly or indirectly associated with the system along with a banking account and also with a brokerage account. Abecassis US 5,426,281 col. 3, lines 38-42)

As per claim 7 (Currently Amended), Abecassis US 5,426,281 discloses system for secure credit card transactions between a holder and a merchant, ~~particularly~~ via a telecommunication network, comprising means for forming a third party connected via the telecommunication network between the holder and the merchant, the third party comprising means for simultaneously establishing a link between the third party itself and the holder over the telecommunication network, and between the third party itself and the merchant over the telecommunication network;

means ~~for~~ forming a center for authorizing ~~the~~ a transaction and ~~suitable~~ for collecting ~~t-~~ his this the temporary information ~~in order to place it~~ the temporary information in a relational connection with the real bank information from the card of the holder for the acknowledgement of the order by the holder ~~to the~~ for the benefit of the merchant~~[[,]]~~; ("The transaction processing system acts as a temporary depository control in the flow of the moneys from parties in a transaction ensuring that sufficient balances are available for the transaction and assuring that payment is made only upon satisfaction

of the conditions set by the parties to the transaction.” Abecassis US 5,426,281

Abstract) ~~and characterized in that it comprises~~

means ~~suitable~~ for allowing the holder to signify to the third party ~~his~~ an intention to enter into contact with the merchant to place an order, before entering into contact with the merchant over the telecommunication network, the third party comprising means ~~suitable~~ for entering ~~in the order form~~ the temporary information consistent with the real bank information from the card of the holder into the order form, the third party having total control over information transfer between the holder and the merchant. (“Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow that is under the control of an unrelated third party to which the depositing party has effective access; at the time of a purchase transaction, the other party (i.e. seller) elicits information from the system to determine that the purchaser has a valid account, and then verifies that the account has sufficient money to cover the purchase.” Abecassis US 5,426,281 col. 3, line 64-col. 4, line 5)

Abecassis US 5,426,281 fails to explicitly teach the third party ~~also~~ further comprising means for forming temporary information consistent with ~~the~~ real bank information from the credit card of the holder, the system comprising [[,]]:

Gross US 2002/0073233 A1 teaches “The WinSock DLL provides the standard API, and each vendor’s service provider layer is installed below the standard API. The API layer communicates to a service provider via a standardized Service Provider Interface (SPI),

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and can multiplex between multiple service providers simultaneously.” Gross US 2002/0073233 A1 ¶ [0042])

As per claim 8 (Currently Amended), Abecassis US 5,426,281 further discloses system as claimed in claim 7, ~~characterized in that it also comprises~~ further comprising: means for intercepting and controlling all the information transmitted by the holder to the merchant. (“To conduct deposit transactions, the present invention takes advantage of the fact that most merchant locations include a point of sales credit authorization terminal 101. In addition to the processing of the credit/debit transactions, most POS terminals 101 can easily be configured to permit the computer-based processing of deposit transactions. It is envisioned that the system can be transparently integrated with the POS through software modifications requiring only those additional key strokes to enter the delivery conditions.” Abecassis US 5,426,281 col. 6, line 38-48)

As per claim 9 (Currently Amended), Abecassis US 5,426,281 discloses a system as claimed in claim 7.

Abecassis US 5,426,281 fails to explicitly teach ~~characterized in that~~ wherein the third party comprises means ~~suitable~~ for modifying the Internet addresses of ~~the~~ a site of the merchant and ~~suitable~~ for constraining ~~the~~ a browser of the holder to systematically transmit to ~~it~~ the third party all ~~the~~ information sent from the holder to the merchant. Gross US 2002/0073233 A1 teaches “The interception and modification of the Internet addresses utilizing the non-ICANN recognized top-level domain (TLD) names can be

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performed using different embodiments of processes and systems in accordance with the present invention.” Gross US 2002/0073233 A1 ¶ [0014])

As per claim 10 (Currently Amended), Abecassis US 5,426,281 discloses a system as claimed in claim 7.

Abecassis US 5,426,281 fails to explicitly teach ~~characterized in that wherein~~ the third party comprises means ~~suited~~ for modifying the Internet addresses of ~~the a~~ site of the merchant and ~~suited~~ for constraining ~~the a~~ server of the merchant to systematically transmit ~~to it~~ the third party all ~~the~~ information sent from the merchant to the holder. Gross US 2002/0073233 A1 teaches “The browser then works with the computer's operating system to contact a domain name system server, which translates the alphanumeric domain name into a numeric IP address, so that the request can be routed to the appropriate server on the Internet.” Gross US 2002/0073233 A1 ¶ [0012])

As per claim 11 (Currently Amended), Abecassis US 5,426,281 discloses a system as claimed in claim 7, ~~characterized in it comprises~~ further comprising:

means for forming a bank authorization center connected to the third party and for collecting ~~the a~~ bank authorization request ~~that comes~~ sent from the merchant or from ~~his~~ the bank of the merchant and that contains the temporary information (“The transaction processing system acts as a temporary depository control in the flow of the moneys from parties in a transaction ensuring that sufficient balances are available for the transaction and assuring that payment is made only upon

satisfaction of the conditions set by the parties to the transaction.” Abecassis US 5,426,281 Abstract);

means ~~suitable for carrying out for performing~~ a conversion ~~making to create~~ a relational connection of the temporary information with the real bank information (“It is also an object of the invention to provide for a transaction system where credit/debit services can be directly or indirectly associated with the system along with a banking account and also with a brokerage account” Abecassis US 5,426,281 col. 3, lines 38-42);

means ~~suitable~~ for sending the real bank information of the holder to the bank authorization center of the holder (“If approval is achieved, then the card verification and limit verification system 41 assigns an approval number for a debit transaction 412, and a deposit number for each deposit transaction 413. The transaction information is then stored at step 414 in an appropriate memory contained in the computer system of center 40. Retention of the transaction may be optional.” Abecassis US 5,426,281 col. 9, lines 5-11);

means ~~suitable~~ for retrieving ~~the a~~ response from the bank authorization center of the holder containing the real bank informations (“Intermediate between the cards, slips and checks are verification communications equipment 100 that are provided either on a variety of site dependent and/or portable hardware devices.” Abecassis US 5,426,281 col. 5, lines 29-32);

Abecassis US 5,426,281 fails to explicitly teach means ~~suitable for carrying out a for performing another~~ conversion ~~in order to remake a to recreate the~~ relational connection

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of the ~~real bank information with the~~ temporary information with the real bank information

Gross US 2002/0073233 A1 teaches "The method as defined in claim 22, further comprising: receiving the email and the second email address on the recipient's client system; automatically removing at least the ICANN compliant TLD from the end of the second email address to recreate the first email address; and presenting the email in conjunction with the first email address to the recipient." Gross US 2002/0073233 A1 claim 23);

means ~~suitable for~~ returning to the merchant or to the authorization center of the ~~his~~ bank of the merchant the response from the bank authorization center of the holder containing the temporary information. ("A method of processing email addresses having non-ICANN compliant level domain (TLD) names, the method comprising: determining on a sender's client system whether a first email address for an email being dispatched by the sender contains a non-ICANN compliant TLD name, wherein the first email address is associated with an intended email recipient; appending at least an ICANN compliant TLD to the first email address at least partly in response to determining that the email address contains a non-ICANN compliant TLD name, thereby forming a second email address; submitting the second email address to a domain name system server (DNS server) via an SMTP server to locate an IP address corresponding to a server associated with the second email address; locating the IP address; and using the located IP address to transmit the email so that it can be accessed by the recipient." Gross US 2002/0073233 A1 claim 22)

As per claim 12 (Currently Amended), Abecassis US 5,426,281 discloses a system as claimed in claim 11, ~~characterized in that wherein~~ the means for forming the authorization center of the holder ~~also~~ comprise a Bank Client Profile module ~~suitable~~ for receiving, via a secure link, the bank authorization requests originating from the authorization center connected to the third party, ~~this~~ the module being ~~suitable for being configured~~ configurable by the authorization request center connected to the third party so that it gives to the authorization center of the holder information for ~~the~~ release, transaction by transaction, of an interdiction to acknowledge the transactions made by the holder via the telecommunication network. ("It is still an object of the invention to provide for a card-based transaction system where transaction authorization verifications are accomplished through a process and apparatus that is integrated with point of sales equipment and processes or through keypad phone devices which include an entry to indicate date of delivery or other conditions upon which payment is released." Abecassis US 5,426,281 col. 3, lines 43-49)

As per claim 13 (Currently Amended), Abecassis US 5,426,281 discloses a system as claimed in claim 7, ~~characterized in that it comprises~~ further comprising:  
a center for collecting the transactions of the merchant, ~~said~~ the collection center comprising means ~~suitable~~ for periodically sending all the transactions made between said merchant and holders via the third party to a collection center linked to the third party, the means of the third party being ~~suitable for again converting~~ configured to

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reconvert the temporary information into the real bank information of ~~the various~~ holders, the collection center linked to the third party comprising means ~~suitable for~~ redistributing the transactions to ~~the various~~ collection centers of ~~the~~ banks of the holders. ("If approval is achieved, then the card verification and limit verification system 41 assigns an approval number for a debit transaction 412, and a deposit number for each deposit transaction 413. The transaction information is then stored at step 414 in an appropriate memory contained in the computer system of center 40. Retention of the transaction may be optional." Abecassis US 5,426,281 col. 9, lines 5-11)

As per claim 14 (Currently Amended), Abecassis US 5,426,281 discloses a third party for securing credit card transactions between a holder and a merchant, ~~particularly~~ via a telecommunication network, the third party suitable for being configured for connection ~~connected~~ via the telecommunication network between the holder and the merchant, ~~the third party~~ comprising ("Referring now to FIG. 1B, a time sequence detailed flow diagram showing the deposit transaction sequence over the course of an entire transaction is illustrated. To conduct deposit transactions, the present invention takes advantage of the fact that most merchant locations include a point of sales credit authorization terminal 101. In addition to the processing of the credit/debit transactions, most POS terminals 101 can easily be configured to permit the computer-based processing of deposit transactions." Abecassis US 5,426,281 col. 6, line 36-45);  
;[[,]] characterized in that it comprises



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means ~~suitable~~ for receiving an information item from the holder to signify to the third party ~~his~~ an intention of the holder to enter into contact with the merchant to place an order, before entering into contact with the merchant over the telecommunication network; ~~and[.]] the third party also comprising~~ means ~~suitable for entering in the order form~~ the temporary information consistent with the bank information from the card of the holder into the order form, the third party having total control of information transfer between the holder and the merchant. ("Briefly, these and other objects of the invention are accomplished in its apparatus aspects by means of a computer-based transaction system where parties deposit funds in an escrow that is under the control of an unrelated third party to which the depositing party has effective access; at the time of a purchase transaction, the other party (i.e. seller) elicits information from the system to determine that the purchaser has a valid account, and then verifies that the account has sufficient money to cover the purchase." Abecassis US 5,426,281 col. 3, line 64-col. 4, line 5)

Abecassis US 5,426,281 fails to explicitly teach means for simultaneously establishing a link between the third party itself and the holder over the telecommunication network, and between itself the third party and the merchant over the telecommunication network[.]]; ~~the third party comprising~~

means for forming temporary information consistent with ~~the~~ real bank information from the credit card of the holder

Gross US 2002/0073233 A1 teaches "The WinSock DLL provides the standard API, and each vendor's service provider layer is installed below the standard API. The API layer

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communicates to a service provider via a standardized Service Provider Interface (SPI), and can multiplex between multiple service providers simultaneously." Gross US 2002/0073233 A1 ¶ [0042])

As per claim 15 (Currently Amended), Abecassis US 5,426,281 discloses a "~~computer program~~" computer-readable product recorded on a medium encoded with a computer program executed by that can be used in a computer of a third party for securing credit card transactions between a holder and a merchant, particularly via a telecommunication network, the third party being capable of being connected connectable via the telecommunication network between the holder and the merchant, ~~the product comprising:~~

~~the product also comprising~~

programming ~~means that can be read~~ code readable by the third party ~~to form for forming~~ temporary information consistent with ~~the real~~ bank information from the credit card of the holder[.]], ~~characterized in that it comprises~~—"It is also an object of the invention to provide for a transaction system where credit/debit services can be directly or indirectly associated with the system along with a banking account and also with a brokerage account" Abecassis US 5,426,281 col. 3, lines 38-42)

programming ~~means that can be read~~ code readable by the third party for receiving an item of information from the holder to signify to the third party his an intention of the third party to enter into contact with the merchant to place an order,

before entering into contact with the merchant over the telecommunication network([,]);  
~~and the medium also comprising~~

programming ~~means that can be read~~ code readable by the third party for permitting entry ~~entering in the order form of~~ the temporary information consistent with the bank information from the card of the holder into the order form. ("It is envisioned that the system can be transparently integrated with the POS through software modifications requiring only those additional key strokes to enter the delivery conditions. One relatively easy way to accomplish hardware reconfiguration is by designating (either by a store-installed switch or by manual key operation) an alternate phone number that the POS can be connected to for deposit transactions. Of course, dedicated POS terminals also are contemplated." Abecassis US 5,426,281 col. 6, line 45-54)

Abecassis US 5,426,281 fails to explicitly teach a programming ~~means that can be read~~ code readable by the third party ~~to for~~ for simultaneously ~~establish~~ establishing a link between the third party and the holder over the telecommunication network, and between the third party and the merchant over the telecommunication network([,]);

Gross US 2002/0073233 A1 teaches "The WinSock DLL provides the standard API, and each vendor's service provider layer is installed below the standard API. The API layer communicates to a service provider via a standardized Service Provider Interface (SPI), and can multiplex between multiple service providers simultaneously." Gross US 2002/0073233 A1 ¶ ([0042])

### ***Response to Arguments***

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5. Applicant's arguments with respect to claims 1-15 have been considered, but are moot in view of the new ground(s) of rejection.

6. The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Klingman (US 5,729,594) teaches an on-line secured financial transaction system through electronic media.

Odom (US 6058379) teaches a real-time network exchange with seller specified exchange parameters and interactive seller participation.

Rosen (US 5,745,886) teaches distribution of electronic money through trusted agents.

Ginter (US 6,185,683 B1) teaches Documents and other items delivered electronically from sender to recipient with a level of trustedness approaching or exceeding that provided by a personal document courier. A trusted electronic go-between can validate, witness and/or archive transactions while, in some cases, actively participating in or directing the transaction.

Mattaway (US 6,185,184 B1) teaches A communication protocol for establishing real-time, point-to-point communications between computer users over a computer network includes a directory server apparatus for providing the current dynamically assigned Internet Protocol addresses of client processes currently connected to the computer

network. The server maintains a list of entries, each entry including the Internet Protocol address of a user currently connected to the network.

Perkowski (US 6,62,5581 B1) teaches Method of and system for delivering consumer product related information to consumers over the Internet. The system and method involves creating an UPN-encoded Consumer Product Information (CPIR) enabling Applet for each consumer product registered within a manufacturer-managed UPN/URL database management system.

Seidman (US 6,671,358 B1) teaches A method for conducting a financial transaction corresponding to a good or service includes providing a plurality of first credit or debit devices; associating a universal identifier with each of the first credit or debit devices; associating one of the first credit or debit devices with a plurality of second credit or debit cards; employing the one of the first credit or debit devices to initiate the financial transaction; selecting one of the second credit or debit cards based upon the unique identifier and the good or service; and employing the selected one of the second credit or debit cards to conclude the financial transaction.

Lefkowitz (US 2001/0037250 A1) teaches method and apparatus for selling a combination of travel tickets and consumer items to customers and, in particular, for selling international travel tickets and duty free items to international travelers.

Bueno (US 2002/0013734 A1) teaches computer implemented on-line system service manages an exchange between consumers and vendors located throughout different geographic locations. The on-line system service is particularly useful for a restaurant delivery and take-out environment. The on-line system service manages the exchange with databases that track menus from a variety of restaurants located in different geographic locations and profiles from a variety of consumers located in different geographic locations as well.

Davis (2002/0029254 A1) teaches A method and system is provided for controlling and managing the storage and retrieval of personal information in a computer network environment and that is configured for supporting any number of applications supplied by any number of vendors. An exemplary method and system can provide an open-ended capability for an individual to define, securely store, retrieve and/or modify information pertaining to the activities of the individual, such as those relating to computer access, electronic commerce or Internet based information searching, or the communication with other parties via electronic mechanisms.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/  
Primary Examiner, Art Unit 3696

Gerald Vizvary  
Patent Examiner, A.U. 3696  
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